

AMENDED IN SENATE JUNE 27, 2003

AMENDED IN ASSEMBLY MAY 7, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1567

**Introduced by Assembly Member Correa
(Principal coauthor: Assembly Member Firebaugh)
(Coauthors: Assembly Members Bermudez and Maddox)**

February 21, 2003

An act to amend, ~~repeal, and add~~ Sections 830.3, 830.37, and 830.38 of, ~~and to add Section 13543.5 to,~~ the Penal Code, *and to amend Section 1095 of the Unemployment Insurance Code*, relating to peace officers; ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1567, as amended, Correa. ~~Peace officers: firearms authority.~~

Under existing law, the authority of certain classifications of peace officers extends to any place in the state for the purposes of performing their primary duty and other specified purposes. Among these peace officers are specified classifications of investigators and other security personnel employed by state agencies and state hospitals, and specified classes of arson and fire prevention and suppression law enforcement agents employed by state and local agencies. These classifications of peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agencies. Some of these officers cannot be authorized to carry firearms unless their employing

agency has adopted and trained them in a policy on the use of deadly force. ~~Peace~~ *Others are prohibited from carrying firearms altogether.*

Under existing law, peace officers are required to satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training, as specified.

~~This bill would, until January 1, 2007, with respect to these classes of fire, state hospital, investigative, and other security personnel who are peace officers, delete the existing authorization to carry firearms, and instead, prohibit these officers from carrying firearms until the employing agency has done certain things. The prohibition would apply until the employing agency has conducted a background check to verify an officer is not a misdemeanor, and has adopted and trained the officer in an agency policy on the use of deadly force. No specific authorizations for, and prohibitions on carrying firearms, and delete all limitations on the purposes for which these categories of peace officers may use their peace officer authority.~~

Additionally, no later than six months from being appointed as a peace officer, or prior to being hired as a peace officer, in one of these categories, except as a voluntary fire warden, this bill would require, in addition to specialized training provided to an officer by the employing agency, that the peace officer complete the basic peace officer training, including firearms training. This bill would require these peace officers to requalify in the use of firearms every six months or less as directed by the employing agency. These officers, if newly hired or appointed after July 1, 2004, would also be required to have completed the Specialized Investigators Basic Course or Regular Basic Course, as developed by the commission.

~~Existing law provides that any person or persons desiring peace officer status who, on January 1, 1990, were not entitled to that status under specified provisions of law, are authorized to request the commission to undertake a feasibility study regarding the designation of that person or persons as a peace officer. Existing law provides statutory guidance for these feasibility studies.~~

~~This bill would authorize an entity, including a specified union, to request on behalf of any one of the categories of peace officers whose authorization to carry firearms is changed by this bill a different type of study by the commission. These studies would regard the appropriateness of that category of peace officers carrying firearms while performing their primary duty or when making an arrest, as specified. This bill would require the commission to submit to the~~

~~Legislature a copy of these reports. This bill would appropriate to the commission an amount sufficient to cover the actual costs of studies requested under these provisions, not to exceed the sum of \$250,000, from the State General Fund for the entire cost. This bill would repeal the authorization for these reports on January 1, 2007.~~

By imposing certain training requirements on local governments employing arson investigators and fire prevention and suppression law enforcement agents, this bill would impose a state-mandated local program.

Among the categories of peace officers addressed in this bill, existing law provides for the designation of 7 persons as peace officers for the Board of Dental examiners, and not more than 3 for the Contractors' State License Board.

This bill would delete the provisions calling for the designation of specified numbers of peace officers in these categories.

Another category of persons addressed in this bill, the Chief of the Bureau of Fraudulent Claims of the Department of Insurance and those investigators designated by the chief, are peace officers in existing law, provided that the primary duty of those investigators is the enforcement of fraudulent claims provisions.

This bill would permit these investigators to be peace officers provided that their primary duty is the enforcement of those fraudulent claims provisions and other laws relating to persons and businesses licensed by the Department of Insurance.

Existing law authorizes the Director of Employment Development to permit the use of information in his or her possession to the extent necessary for specified purposes. In particular, one of these purposes is to provide to law enforcement agencies specified identifying and other information on victims, suspects, missing persons, potential witnesses, or persons for whom a felony arrest warrant has been issued, upon request from specified categories of investigators and peace officers.

This bill would add to those categories of peace officers upon whose request the Director of Employment Development would provide this information certain of the categories of peace officers addressed in this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund

to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: ~~2/3~~ majority. Appropriation: ~~yes~~ no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 830.3 of the Penal Code is amended to
2 read:

3 830.3. The following persons are peace officers whose
4 authority extends to any place in the state ~~for the purpose of~~
5 ~~performing their primary duty or when making an arrest pursuant~~
6 ~~to Section 836 of the Penal Code as to any public offense with~~
7 ~~respect to which there is immediate danger to person or property,~~
8 ~~or of the escape of the perpetrator of that offense, or pursuant to~~
9 ~~Section 8597 or 8598 of the Government Code. These peace~~
10 ~~officers may carry firearms except where specifically prohibited~~
11 ~~by this section.~~

12 (a) Persons employed by the Division of Investigation of the
13 Department of Consumer Affairs and investigators of the Medical
14 Board of California and the Board of Dental Examiners, who are
15 designated by the Director of Consumer Affairs, provided that the
16 primary duty of these peace officers shall be the enforcement of the
17 law as that duty is set forth in Section 160 of the Business and
18 Professions Code. ~~The Director of Consumer Affairs shall~~
19 ~~designate as peace officers seven persons who shall at the time of~~
20 ~~their designation be assigned to the investigations unit of the Board~~
21 ~~of Dental Examiners.~~

22 (b) Voluntary fire wardens designated by the Director of
23 Forestry and Fire Protection pursuant to Section 4156 of the Public
24 Resources Code, provided that the primary duty of these peace
25 officers shall be the enforcement of the law as that duty is set forth
26 in Section 4156 of that code.

27 (c) Employees of the Department of Motor Vehicles designated
28 in Section 1655 of the Vehicle Code, provided that the primary

1 duty of these peace officers shall be the enforcement of the law as
2 that duty is set forth in Section 1655 of that code.

3 (d) Investigators of the California Horse Racing Board
4 designated by the board, provided that the primary duty of these
5 peace officers shall be the enforcement of Chapter 4 (commencing
6 with Section 19400) of Division 8 of the Business and Professions
7 Code and Chapter 10 (commencing with Section 330) of Title 9 of
8 Part 1 of this code.

9 (e) The State Fire Marshal and assistant or deputy state fire
10 marshals appointed pursuant to Section 13103 of the Health and
11 Safety Code, provided that the primary duty of these peace officers
12 shall be the enforcement of the law as that duty is set forth in
13 Section 13104 of that code.

14 (f) Inspectors of the food and drug section designated by the
15 chief pursuant to subdivision (a) of Section 106500 of the Health
16 and Safety Code, provided that the primary duty of these peace
17 officers shall be the enforcement of the law as that duty is set forth
18 in Section 106500 of that code.

19 (g) All investigators of the Division of Labor Standards
20 Enforcement designated by the Labor Commissioner, provided
21 that the primary duty of these peace officers shall be the
22 enforcement of the law as prescribed in Section 95 of the Labor
23 Code.

24 (h) All investigators of the State Departments of Health
25 Services, Social Services, Mental Health, Developmental
26 Services, and Alcohol and Drug Programs, the Department of
27 Toxic Substances Control, the Office of Statewide Health
28 Planning and Development, and the Public Employees'
29 Retirement System, provided that the primary duty of these peace
30 officers shall be the enforcement of the law relating to the duties
31 of his or her department, or office. ~~Notwithstanding any other~~
32 ~~provision of law, investigators of the Public Employees'~~
33 ~~Retirement System shall not carry firearms.~~

34 (i) The Chief of the Bureau of Fraudulent Claims of the
35 Department of Insurance and those investigators designated by the
36 chief, provided that the primary duty of those investigators shall
37 be the enforcement of Section 550 *and other laws regulating*
38 *persons and businesses licensed by the Department of Insurance.*

39 (j) Employees of the Department of Housing and Community
40 Development designated under Section 18023 of the Health and

1 Safety Code, provided that the primary duty of these peace officers
2 shall be the enforcement of the law as that duty is set forth in
3 Section 18023 of that code.

4 (k) Investigators of the office of the Controller, provided that
5 the primary duty of these investigators shall be the enforcement of
6 the law relating to the duties of that office. ~~Notwithstanding any~~
7 ~~other law, except as authorized by the Controller, the peace officers~~
8 ~~designated pursuant to this subdivision shall not carry firearms.~~

9 (l) Investigators of the Department of Corporations designated
10 by the Commissioner of Corporations, provided that the primary
11 duty of these investigators shall be the enforcement of the
12 provisions of law administered by the Department of
13 Corporations. ~~Notwithstanding any other provision of law, the~~
14 ~~peace officers designated pursuant to this subdivision shall not~~
15 ~~carry firearms.~~

16 (m) Persons employed by the Contractors' State License Board
17 designated by the Director of Consumer Affairs pursuant to
18 Section 7011.5 of the Business and Professions Code, provided
19 that the primary duty of these persons shall be the enforcement of
20 the law as that duty is set forth in Section 7011.5, and in Chapter
21 9 (commencing with Section 7000) of Division 3, of that code. ~~The~~
22 ~~Director of Consumer Affairs may designate as peace officers not~~
23 ~~more than three persons who shall at the time of their designation~~
24 ~~be assigned to the special investigations unit of the board.~~
25 ~~Notwithstanding any other provision of law, the persons~~
26 ~~designated pursuant to this subdivision shall not carry firearms.~~

27 (n) The chief and coordinators of the Law Enforcement
28 Division of the Office of Emergency Services.

29 (o) Investigators of the office of the Secretary of State
30 designated by the Secretary of State, provided that the primary
31 duty of these peace officers shall be the enforcement of the law as
32 prescribed in Chapter 3 (commencing with Section 8200) of
33 Division 1 of Title 2 of, and Section 12172.5 of, the Government
34 Code. ~~Notwithstanding any other provision of law, the peace~~
35 ~~officers designated pursuant to this subdivision shall not carry~~
36 ~~firearms.~~

37 (p) The Deputy Director for Security designated by Section
38 8880.38 of the Government Code, and all lottery security
39 personnel assigned to the California State Lottery and designated
40 by the director, provided that the primary duty of any of those

1 peace officers shall be the enforcement of the laws related to
2 assuring the integrity, honesty, and fairness of the operation and
3 administration of the California State Lottery.

4 (q) Investigators employed by the Investigation Division of the
5 Employment Development Department designated by the director
6 of the department, provided that the primary duty of those peace
7 officers shall be the enforcement of the law as that duty is set forth
8 in Section 317 of the Unemployment Insurance Code.

9 Notwithstanding any other provision of law, the peace officers
10 designated pursuant to this subdivision shall not carry firearms.

11 (r) The chief and assistant chief of museum security and safety
12 of the California Science Center, as designated by the executive
13 director pursuant to Section 4108 of the Food and Agricultural
14 Code, provided that the primary duty of those peace officers shall
15 be the enforcement of the law as that duty is set forth in Section
16 4108 of the Food and Agricultural Code.

17 (s) Employees of the Franchise Tax Board designated by the
18 board, provided that the primary duty of these peace officers shall
19 be the enforcement of the law as set forth in Chapter 9
20 (commencing with Section 19701) of Part 10.2 of Division 2 of the
21 Revenue and Taxation Code.

22 (t) Investigators of the Department of Managed Health Care
23 designated by the Director of the Department of Managed Health
24 Care, provided that the primary duty of these investigators shall be
25 the enforcement of the provisions of laws administered by the
26 Director of the Department of Managed Health Care.
27 ~~Notwithstanding any other provision of law, the peace officers~~
28 ~~designated pursuant to this subdivision shall not carry firearms.~~

29 ~~(u) Notwithstanding any other provision of this section, a peace~~
30 ~~officer authorized by this section shall not be authorized to carry~~
31 ~~firearms until that agency has done all of the following:~~

32 ~~(1) Conducted a background check to verify that the peace~~
33 ~~officer is not a misdemeanor.~~

34 ~~(2) Adopted a policy on the use of deadly force by its peace~~
35 ~~officers.~~

36 ~~(3) Instructed the peace officer in the employing agency's~~
37 ~~policy on the use of deadly force.~~

38 ~~(v)~~

39 (u) No later than six months from being appointed under this
40 ~~subdivision~~ *section* or prior to being hired under this ~~subdivision~~

1 *section*, in addition to specialized training provided to an officer
2 by the employing agency, an officer shall have completed the
3 training as prescribed under Section 832. ~~An officer under this~~
4 ~~subdivision~~ *Officers who are newly hired or appointed under this*
5 *section after July 1, 2004*, shall also have completed the
6 Specialized Investigators Basic Course or Regular Basic Course,
7 as developed by the Commission on Peace Officer Standards and
8 Training. Every peace officer under this ~~subdivision~~ *section* shall
9 have successfully completed the firearms training as required by
10 Section 832 and shall requalify in the use of firearms every six
11 months or less as directed by the employing agency.

12 This section shall remain in effect only until January 1, 2007,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2007, deletes or extends that date.

15 SEC. 2. ~~Section 830.3 is added to the Penal Code, to read:~~

16 ~~830.3. The following persons are peace officers whose~~
17 ~~authority extends to any place in the state for the purpose of~~
18 ~~performing their primary duty or when making an arrest pursuant~~
19 ~~to Section 836 of the Penal Code as to any public offense with~~
20 ~~respect to which there is immediate danger to person or property,~~
21 ~~or of the escape of the perpetrator of that offense, or pursuant to~~
22 ~~Section 8597 or 8598 of the Government Code. These peace~~
23 ~~officers may carry firearms only if authorized and under those~~
24 ~~terms and conditions as specified by their employing agencies:~~

25 ~~(a) Persons employed by the Division of Investigation of the~~
26 ~~Department of Consumer Affairs and investigators of the Medical~~
27 ~~Board of California and the Board of Dental Examiners, who are~~
28 ~~designated by the Director of Consumer Affairs, provided that the~~
29 ~~primary duty of these peace officers shall be the enforcement of the~~
30 ~~law as that duty is set forth in Section 160 of the Business and~~
31 ~~Professions Code. The Director of Consumer Affairs shall~~
32 ~~designate as peace officers seven persons who shall at the time of~~
33 ~~their designation be assigned to the investigations unit of the Board~~
34 ~~of Dental Examiners.~~

35 ~~(b) Voluntary fire wardens designated by the Director of~~
36 ~~Forestry and Fire Protection pursuant to Section 4156 of the Public~~
37 ~~Resources Code, provided that the primary duty of these peace~~
38 ~~officers shall be the enforcement of the law as that duty is set forth~~
39 ~~in Section 4156 of that code.~~

1 ~~(c) Employees of the Department of Motor Vehicles designated~~
2 ~~in Section 1655 of the Vehicle Code, provided that the primary~~
3 ~~duty of these peace officers shall be the enforcement of the law as~~
4 ~~that duty is set forth in Section 1655 of that code.~~

5 ~~(d) Investigators of the California Horse Racing Board~~
6 ~~designated by the board, provided that the primary duty of these~~
7 ~~peace officers shall be the enforcement of Chapter 4 (commencing~~
8 ~~with Section 19400) of Division 8 of the Business and Professions~~
9 ~~Code and Chapter 10 (commencing with Section 330) of Title 9 of~~
10 ~~Part 1 of this code.~~

11 ~~(e) The State Fire Marshal and assistant or deputy state fire~~
12 ~~marshals appointed pursuant to Section 13103 of the Health and~~
13 ~~Safety Code, provided that the primary duty of these peace officers~~
14 ~~shall be the enforcement of the law as that duty is set forth in~~
15 ~~Section 13104 of that code.~~

16 ~~(f) Inspectors of the food and drug section designated by the~~
17 ~~chief pursuant to subdivision (a) of Section 106500 of the Health~~
18 ~~and Safety Code, provided that the primary duty of these peace~~
19 ~~officers shall be the enforcement of the law as that duty is set forth~~
20 ~~in Section 106500 of that code.~~

21 ~~(g) All investigators of the Division of Labor Standards~~
22 ~~Enforcement designated by the Labor Commissioner, provided~~
23 ~~that the primary duty of these peace officers shall be the~~
24 ~~enforcement of the law as prescribed in Section 95 of the Labor~~
25 ~~Code.~~

26 ~~(h) All investigators of the State Departments of Health~~
27 ~~Services, Social Services, Mental Health, Developmental~~
28 ~~Services, and Alcohol and Drug Programs, the Department of~~
29 ~~Toxic Substances Control, the Office of Statewide Health~~
30 ~~Planning and Development, and the Public Employees'~~
31 ~~Retirement System, provided that the primary duty of these peace~~
32 ~~officers shall be the enforcement of the law relating to the duties~~
33 ~~of his or her department, or office. Notwithstanding any other~~
34 ~~provision of law, investigators of the Public Employees'~~
35 ~~Retirement System shall not carry firearms.~~

36 ~~(i) The Chief of the Bureau of Fraudulent Claims of the~~
37 ~~Department of Insurance and those investigators designated by the~~
38 ~~chief, provided that the primary duty of those investigators shall~~
39 ~~be the enforcement of Section 550.~~

1 ~~(j) Employees of the Department of Housing and Community~~
2 ~~Development designated under Section 18023 of the Health and~~
3 ~~Safety Code, provided that the primary duty of these peace officers~~
4 ~~shall be the enforcement of the law as that duty is set forth in~~
5 ~~Section 18023 of that code.~~

6 ~~(k) Investigators of the office of the Controller, provided that~~
7 ~~the primary duty of these investigators shall be the enforcement of~~
8 ~~the law relating to the duties of that office. Notwithstanding any~~
9 ~~other law, except as authorized by the Controller, the peace officers~~
10 ~~designated pursuant to this subdivision shall not carry firearms.~~

11 ~~(l) Investigators of the Department of Corporations designated~~
12 ~~by the Commissioner of Corporations, provided that the primary~~
13 ~~duty of these investigators shall be the enforcement of the~~
14 ~~provisions of law administered by the Department of~~
15 ~~Corporations. Notwithstanding any other provision of law, the~~
16 ~~peace officers designated pursuant to this subdivision shall not~~
17 ~~carry firearms.~~

18 ~~(m) Persons employed by the Contractors' State License Board~~
19 ~~designated by the Director of Consumer Affairs pursuant to~~
20 ~~Section 7011.5 of the Business and Professions Code, provided~~
21 ~~that the primary duty of these persons shall be the enforcement of~~
22 ~~the law as that duty is set forth in Section 7011.5, and in Chapter~~
23 ~~9 (commencing with Section 7000) of Division 3, of that code. The~~
24 ~~Director of Consumer Affairs may designate as peace officers not~~
25 ~~more than three persons who shall at the time of their designation~~
26 ~~be assigned to the special investigations unit of the board.~~
27 ~~Notwithstanding any other provision of law, the persons~~
28 ~~designated pursuant to this subdivision shall not carry firearms.~~

29 ~~(n) The chief and coordinators of the Law Enforcement~~
30 ~~Division of the Office of Emergency Services.~~

31 ~~(o) Investigators of the office of the Secretary of State~~
32 ~~designated by the Secretary of State, provided that the primary~~
33 ~~duty of these peace officers shall be the enforcement of the law as~~
34 ~~prescribed in Chapter 3 (commencing with Section 8200) of~~
35 ~~Division 1 of Title 2 of, and Section 12172.5 of, the Government~~
36 ~~Code. Notwithstanding any other provision of law, the peace~~
37 ~~officers designated pursuant to this subdivision shall not carry~~
38 ~~firearms.~~

39 ~~(p) The Deputy Director for Security designated by Section~~
40 ~~8880.38 of the Government Code, and all lottery security~~

~~personnel assigned to the California State Lottery and designated by the director, provided that the primary duty of any of those peace officers shall be the enforcement of the laws related to assuring the integrity, honesty, and fairness of the operation and administration of the California State Lottery.~~

~~(q) Investigators employed by the Investigation Division of the Employment Development Department designated by the director of the department, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth in Section 317 of the Unemployment Insurance Code.~~

~~Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.~~

~~(r) The chief and assistant chief of museum security and safety of the California Science Center, as designated by the executive director pursuant to Section 4108 of the Food and Agricultural Code, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth in Section 4108 of the Food and Agricultural Code.~~

~~(s) Employees of the Franchise Tax Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of the law as set forth in Chapter 9 (commencing with Section 19701) of Part 10.2 of Division 2 of the Revenue and Taxation Code.~~

~~(t) Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry firearms by his or her employing agency until that agency has adopted a policy on the use of deadly force by those peace officers, and until those peace officers have been instructed in the employing agency's policy on the use of deadly force.~~

~~Every peace officer authorized pursuant to this section to carry firearms by his or her employing agency shall qualify in the use of the firearms at least every six months.~~

~~(u) Investigators of the Department of Managed Health Care designated by the Director of the Department of Managed Health Care, provided that the primary duty of these investigators shall be the enforcement of the provisions of laws administered by the Director of the Department of Managed Health Care. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.~~

~~(v) This section shall become operative on January 1, 2007.~~

1 ~~SEC. 3.~~

2 SEC. 2. Section 830.37 of the Penal Code is amended to read:

3 830.37. (a) The following persons are peace officers *whose*
4 *authority extends to any place in the state*:

5 (1) Members of an arson-investigating unit, regularly paid and
6 employed in that capacity, of a fire department or fire protection
7 agency of a county, city, city and county, district, or the state, if the
8 primary duty of these peace officers is the detection and
9 apprehension of persons who have violated any fire law or
10 committed insurance fraud.

11 (2) Members other than members of an arson-investigating
12 unit, regularly paid and employed in that capacity, of a fire
13 department or fire protection agency of a county, city, city and
14 county, district, or the state, if the primary duty of these peace
15 officers, when acting in that capacity, is the enforcement of laws
16 relating to fire prevention or fire suppression.

17 (3) Voluntary fire wardens as are designated by the Director of
18 Forestry and Fire Protection pursuant to Section 4156 of the Public
19 Resources Code, provided that the primary duty of these peace
20 officers shall be the enforcement of the law as that duty is set forth
21 in Section 4156 of the Public Resources Code.

22 (4) Firefighter/security guards by the Military Department, if
23 the primary duty of the peace officer is the enforcement of the law
24 in or about properties owned, operated, or administered by the
25 employing agency or when performing necessary duties with
26 respect to patrons, employees, and properties of the employing
27 agency.

28 ~~(b) The authority of these peace officers extends to any place~~
29 ~~in the state for the purpose of performing their primary duty or~~
30 ~~when making an arrest pursuant to Section 836 as to any public~~
31 ~~offense with respect to which there is immediate danger to person~~
32 ~~or property, or of the escape of the perpetrator of that offense, or~~
33 ~~pursuant to Section 8597 or 8598 of the Government Code.~~

34 ~~(c) These peace officers may carry firearms after the~~
35 ~~employing agency has done all of the following:~~

36 ~~(1) Conducted a background check to verify that the peace~~
37 ~~officer is not a misdemeanor.~~

38 ~~(2) Adopted a policy on the use of deadly force by its peace~~
39 ~~officers.~~

1 ~~(3) Instructed the peace officer in the employing agency's~~
2 ~~policy on the use of deadly force.~~

3 ~~(d) No~~

4 ~~(b) Regarding a person who is to be employed or appointed by~~
5 ~~a state agency as a peace officer authorized in paragraph (1), (2)~~
6 ~~or (4) of subdivision (a), no later than six months from being~~
7 ~~appointed under this subdivision section or prior to being hired~~
8 ~~under this subdivision section, in addition to specialized training~~
9 ~~provided to an officer by the employing agency, an officer shall~~
10 ~~have completed the training as prescribed under Section 832. An~~
11 ~~officer under this subdivision Officers who are newly hired or~~
12 ~~appointed under this section after July 1, 2004, shall also have~~
13 ~~completed the Specialized Investigators Basic Course or Regular~~
14 ~~Basic Course, as developed by the Commission on Peace Officer~~
15 ~~Standards and Training. Every peace officer under this subdivision~~
16 ~~section shall have successfully completed the firearms training as~~
17 ~~required by Section 832 and shall requalify in the use of firearms~~
18 ~~every six months or less as directed by the employing agency.~~

19 ~~This section shall remain in effect only until January 1, 2007,~~
20 ~~and as of that date is repealed, unless a later enacted statute, that~~
21 ~~is enacted before January 1, 2007, deletes or extends that date.~~

22 ~~SEC. 4. Section 830.37 is added to the Penal Code, to read:~~

23 ~~830.37. The following persons are peace officers whose~~
24 ~~authority extends to any place in the state for the purpose of~~
25 ~~performing their primary duty or when making an arrest pursuant~~
26 ~~to Section 836 as to any public offense with respect to which there~~
27 ~~is immediate danger to person or property, or of the escape of the~~
28 ~~perpetrator of that offense, or pursuant to Section 8597 or 8598 of~~
29 ~~the Government Code. These peace officers may carry firearms~~
30 ~~only if authorized and under terms and conditions specified by~~
31 ~~their employing agency:~~

32 ~~(a) Members of an arson investigating unit, regularly paid and~~
33 ~~employed in that capacity, of a fire department or fire protection~~
34 ~~agency of a county, city, city and county, district, or the state, if the~~
35 ~~primary duty of these peace officers is the detection and~~
36 ~~apprehension of persons who have violated any fire law or~~
37 ~~committed insurance fraud.~~

38 ~~(b) Members other than members of an arson investigating~~
39 ~~unit, regularly paid and employed in that capacity, of a fire~~
40 ~~department or fire protection agency of a county, city, city and~~

1 county, district, or the state, if the primary duty of these peace
2 officers, when acting in that capacity, is the enforcement of laws
3 relating to fire prevention or fire suppression.

4 ~~(c) Voluntary fire wardens as are designated by the Director of~~
5 ~~Forestry and Fire Protection pursuant to Section 4156 of the Public~~
6 ~~Resources Code, provided that the primary duty of these peace~~
7 ~~officers shall be the enforcement of the law as that duty is set forth~~
8 ~~in Section 4156 of the Public Resources Code.~~

9 ~~(d) Firefighter/security guards by the Military Department, if~~
10 ~~the primary duty of the peace officer is the enforcement of the law~~
11 ~~in or about properties owned, operated, or administered by the~~
12 ~~employing agency or when performing necessary duties with~~
13 ~~respect to patrons, employees, and properties of the employing~~
14 ~~agency.~~

15 ~~(e) This section shall become operative on January 1, 2007.~~

16 ~~SEC. 5.~~

17 *SEC. 3.* Section 830.38 of the Penal Code is amended to read:

18 830.38. (a) The officers of a state hospital under the
19 jurisdiction of the State Department of Mental Health or the State
20 Department of Developmental Services appointed pursuant to
21 Section 4313 or 4493 of the Welfare and Institutions Code, are
22 peace officers whose authority extends to any place in the state for
23 the purpose of performing their primary duty or when making an
24 arrest pursuant to Section 836 as to any public offense with respect
25 to which there is immediate danger to person or property, or of the
26 escape of the perpetrator of that offense, or pursuant to Section
27 8597 or 8598 of the Government Code provided that the primary
28 duty of the peace officers shall be the enforcement of the law as set
29 forth in Sections 4311, 4313, 4491, and 4493 of the Welfare and
30 Institutions Code. Those peace officers may carry firearms after
31 the employing agency has done all of the following:

32 ~~(1) Conducted a background check to verify that the peace~~
33 ~~officer is not a misdemeanor.~~

34 ~~(2) Adopted a policy on the use of deadly force by its peace~~
35 ~~officers.~~

36 ~~(3) Instructed the peace officer in the employing agency's~~
37 ~~policy on the use of deadly force.~~

38 (b) No later than six months from being appointed under this
39 ~~subdivision~~ *section* or prior to being hired under this ~~subdivision~~
40 *section*, in addition to specialized training provided to an officer

by the employing agency, an officer shall have completed the training as prescribed under Section 832. ~~An officer under this subdivision~~ *Officers who are newly hired or appointed under this section after July 1, 2004,* shall also have completed the Specialized Investigators Basic Course or Regular Basic Course, as developed by the Commission on Peace Officer Standards and Training. Every peace officer under this ~~subdivision~~ *section* shall have successfully completed the firearms training as required by Section 832 and shall requalify in the use of firearms every six months or less as directed by the employing agency.

~~This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.~~

~~SEC. 6. Section 830.38 is added to the Penal Code, to read:~~

~~830.38. (a) The officers of a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services appointed pursuant to Section 4313 or 4493 of the Welfare and Institutions Code, are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code provided that the primary duty of the peace officers shall be the enforcement of the law as set forth in Sections 4311, 4313, 4491, and 4493 of the Welfare and Institutions Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.~~

~~(b) This section shall become operative on January 1, 2007.~~

~~SEC. 7. Section 13543.5 is added to the Penal Code, to read:~~

~~13543.5. (a) The commission shall, for each category of peace officers for which a request is received as provided below, issue a study and its recommendations regarding the appropriateness of that category of peace officers designated pursuant to Section 830.3, 830.37 and 830.38 of the Penal Code carrying firearms while performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code.~~

~~(b) A study shall commence after the commission has received a request for that study from an entity, including, but not limited~~

1 to, the California Union of Safety Employees, on behalf of any of
2 the following peace officer groups:
3 (1) ~~Persons employed by the Division of Investigation of the~~
4 ~~Department of Consumer Affairs.~~
5 (2) ~~Persons employed by the Board of Dental Examiners.~~
6 (3) ~~Voluntary fire wardens designated by the Director of~~
7 ~~Forestry and Fire Protection pursuant to Section 4145 of the Public~~
8 ~~Resources Code.~~
9 (4) ~~Employees of the Department of Vehicle designated in~~
10 ~~Section 1655 of the Vehicle Code.~~
11 (5) ~~Investigators of the California Horse Racing Board.~~
12 (6) ~~The State Fire Marshal and assistant or deputy state fire~~
13 ~~marshals appointed pursuant to Section 13103 of the Health and~~
14 ~~Safety Code.~~
15 (7) ~~Inspectors of the food and drug section designated by the~~
16 ~~chief pursuant to subdivision (a) of Section 106500 of the Health~~
17 ~~and Safety Code.~~
18 (8) ~~All investigators of the Division of Labor Standards~~
19 ~~Enforcement.~~
20 (9) ~~All investigators of the State Department of Health~~
21 ~~Services.~~
22 (10) ~~All investigators employed by the State Department of~~
23 ~~Social Services.~~
24 (11) ~~All investigators employed by the State Department of~~
25 ~~Mental Health.~~
26 (12) ~~All investigators employed by the State Department of~~
27 ~~Developmental Services.~~
28 (13) ~~All investigators employed by the State Department of~~
29 ~~Alcohol and Drug Programs.~~
30 (14) ~~All investigators employed by the Department of Toxic~~
31 ~~Substances Control.~~
32 (15) ~~All investigators employed by the Office of Statewide~~
33 ~~Health Planning and Development.~~
34 (16) ~~The Chief of the Bureau of Fraudulent Claims of the~~
35 ~~Department of Insurance and those investigators designated by the~~
36 ~~chief.~~
37 (17) ~~Employees of the Department of Housing and Community~~
38 ~~Development designated under Section 18023 of the Health and~~
39 ~~Safety Code.~~

1 ~~(18) The chief and coordinators of the Law Enforcement~~
2 ~~Division of the Office of Emergency Services.~~

3 ~~(19) The Deputy Director for Security designated by Section~~
4 ~~8880.38 of the Government Code, and all lottery security~~
5 ~~personnel assigned to the California State Lottery and designated~~
6 ~~by the director.~~

7 ~~(20) The chief and assistant chief of museum security and~~
8 ~~safety of the California Science Center, as designated by the~~
9 ~~executive director pursuant to Section 4108 of the Food and~~
10 ~~Agricultural Code.~~

11 ~~(21) Employees of the Franchise Tax Board designated by the~~
12 ~~board.~~

13 ~~(22) Members of an arson-investigating unit, regularly paid~~
14 ~~and employed in that capacity, of a fire department or fire~~
15 ~~protection agency of the state.~~

16 ~~(23) Members other than members of an arson-investigating~~
17 ~~unit, regularly paid and employed in that capacity, of a fire~~
18 ~~department or fire protection agency of a county, city, city and~~
19 ~~county, district, or the state.~~

20 ~~(24) Voluntary fire wardens as are designated by the Director~~
21 ~~of Forestry and Fire Protection pursuant to Section 4156 of the~~
22 ~~Public Resources Code.~~

23 ~~(25) Firefighter/security guards by the Military Department.~~

24 ~~(26) The officers of a state hospital under the jurisdiction of the~~
25 ~~State Department of Mental Health or the State Department of~~
26 ~~Developmental Services appointed pursuant to Section 4313 or~~
27 ~~4493 of the Welfare and Institutions Code.~~

28 ~~(c) An amount sufficient to cover the actual costs of the~~
29 ~~requested studies not to exceed the sum of two hundred fifty~~
30 ~~thousand dollars (\$250,000) is hereby appropriated from the State~~
31 ~~General Fund to the commission for the entire cost of all studies~~
32 ~~requested under this section.~~

33 ~~(d) The commission shall submit to the Legislature a copy of~~
34 ~~all its studies and recommendations prepared pursuant to this~~
35 ~~section.~~

36 ~~(e) This section shall remain in effect only until January 1,~~
37 ~~2007, and as of that date is repealed, unless a later enacted statute,~~
38 ~~that is enacted before January 1, 2007, deletes or extends that date.~~

39 ~~SEC. 8.~~

1 *SEC. 4. Section 1095 of the Unemployment Insurance Code*
2 *is amended to read:*

3 1095. The director shall permit the use of any information in
4 his or her possession to the extent necessary for any of the
5 following purposes and may require reimbursement for all direct
6 costs incurred in providing any and all information specified in this
7 section, except information specified in subdivisions (a) to (e),
8 inclusive:

9 (a) To enable the director or his or her representative to carry
10 out his or her responsibilities under this code.

11 (b) To properly present a claim for benefits.

12 (c) To acquaint a worker or his or her authorized agent with his
13 or her existing or prospective right to benefits.

14 (d) To furnish an employer or his or her authorized agent with
15 information to enable him or her to fully discharge his or her
16 obligations or safeguard his or her rights under this division or
17 Division 3 (commencing with Section 9000).

18 (e) To enable an employer to receive a reduction in contribution
19 rate.

20 (f) To enable federal, state, or local government departments or
21 agencies, subject to federal law, to verify or determine the
22 eligibility or entitlement of an applicant for, or a recipient of,
23 public social services provided pursuant to Division 9
24 (commencing with Section 10000) of the Welfare and Institutions
25 Code, or Part A of Title IV of the Social Security Act, where the
26 verification or determination is directly connected with, and
27 limited to, the administration of public social services.

28 (g) To enable county administrators of general relief or
29 assistance, or their representatives, to determine entitlement to
30 locally provided general relief or assistance, where the
31 determination is directly connected with, and limited to, the
32 administration of general relief or assistance.

33 (h) To enable state or local governmental departments or
34 agencies to seek criminal, civil, or administrative remedies in
35 connection with the unlawful application for, or receipt of, relief
36 provided under Division 9 (commencing with Section 10000) of
37 the Welfare and Institutions Code or to enable the collection of
38 expenditures for medical assistance services pursuant to Part 5
39 (commencing with Section 17000) of Division 9 of the Welfare
40 and Institutions Code.



1 (i) To provide any law enforcement agency with the name,
 2 address, telephone number, birth date, social security number,
 3 physical description, and names and addresses of present and past
 4 employers, of any victim, suspect, missing person, potential
 5 witness, or person for whom a felony arrest warrant has been
 6 issued, when a request for this information is made by any
 7 investigator or peace officer as defined by Sections 830.1~~and~~,
 8 830.2, *and* 830.3 of the Penal Code, or by any federal law
 9 enforcement officer to whom the Attorney General has delegated
 10 authority to enforce federal search warrants, as defined under
 11 Sections 60.2 and 60.3 of Title 28 of the Code of Federal
 12 Regulations, as amended, and when the requesting officer has been
 13 designated by the head of the law enforcement agency and requests
 14 this information in the course of and as a part of an investigation
 15 into the commission of a crime when there is a reasonable
 16 suspicion that the crime is a felony and that the information would
 17 lead to relevant evidence. The information provided pursuant to
 18 this subdivision shall be provided to the extent permitted by
 19 federal law and regulations, and to the extent the information is
 20 available and accessible within the constraints and configurations
 21 of existing department records. Any person who receives any
 22 information under this subdivision shall make a written report of
 23 the information to the law enforcement agency that employs him
 24 or her, for filing under the normal procedures of that agency.

25 (1) This subdivision shall not be construed to authorize the
 26 release to any law enforcement agency of a general list identifying
 27 individuals applying for or receiving benefits.

28 (2) The department shall maintain records pursuant to this
 29 subdivision only for periods required under regulations or statutes
 30 enacted for the administration of its programs.

31 (3) This subdivision shall not be construed as limiting the
 32 information provided to law enforcement agencies to that
 33 pertaining only to applicants for, or recipients of, benefits.

34 (4) The department shall notify all applicants for benefits that
 35 release of confidential information from their records will not be
 36 protected should there be a felony arrest warrant issued against the
 37 applicant or in the event of an investigation by a law enforcement
 38 agency into the commission of a felony.

39 (j) To provide public employee retirement systems in
 40 California with information relating to the earnings of any person

1 who has applied for or is receiving a disability income, disability
2 allowance, or disability retirement allowance, from a public
3 employee retirement system. The earnings information shall be
4 released only upon written request from the governing board
5 specifying that the person has applied for or is receiving a
6 disability allowance or disability retirement allowance from its
7 retirement system. The request may be made by the chief executive
8 officer of the system or by an employee of the system so authorized
9 and identified by name and title by the chief executive officer in
10 writing.

11 (k) To enable the Division of Labor Standards Enforcement in
12 the Department of Industrial Relations to seek criminal, civil, or
13 administrative remedies in connection with the failure to pay, or
14 the unlawful payment of, wages pursuant to Chapter 1
15 (commencing with Section 200) of Part 1 of Division 2 of, and
16 Chapter 1 (commencing with Section 1720) of Part 7 of Division
17 2 of, the Labor Code.

18 (l) To enable federal, state, or local governmental departments
19 or agencies to administer child support enforcement programs
20 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et
21 seq.).

22 (m) To provide federal, state, or local governmental
23 departments or agencies with wage and claim information in its
24 possession that will assist those departments and agencies in the
25 administration of the victims of crime program or in the location
26 of victims of crime who, by state mandate or court order, are
27 entitled to restitution that has been or can be recovered.

28 (n) To provide federal, state, or local governmental
29 departments or agencies with information concerning any
30 individuals who are or have been:

31 (1) Directed by state mandate or court order to pay restitution,
32 fines, penalties, assessments, or fees as a result of a violation of
33 law.

34 (2) Delinquent or in default on guaranteed student loans or who
35 owe repayment of funds received through other financial
36 assistance programs administered by those agencies. The
37 information released by the director for the purposes of this
38 paragraph shall not include unemployment insurance benefit
39 information.



(o) To provide an authorized governmental agency with any or all relevant information that relates to any specific workers' compensation insurance fraud investigation. The information shall be provided to the extent permitted by federal law and regulations. For the purposes of this subdivision, "authorized governmental agency" means the district attorney of any county, the office of the Attorney General, the Department of Industrial Relations, and the Department of Insurance. An authorized governmental agency may disclose this information to the State Bar, the Medical Board of California, or any other licensing board or department whose licensee is the subject of a workers' compensation insurance fraud investigation. This subdivision shall not prevent any authorized governmental agency from reporting to any board or department the suspected misconduct of any licensee of that body.

(p) To enable the Director of the Bureau for Private Postsecondary and Vocational Education, or his or her representatives, to access unemployment insurance quarterly wage data on a case-by-case basis to verify information on school administrators, school staff, and students provided by those schools who are being investigated for possible violations of Chapter 7 (commencing with Section 94700) of Part 59 of the Education Code.

(q) To provide employment tax information to the tax officials of Mexico, if a reciprocal agreement exists. For purposes of this subdivision, "reciprocal agreement" means a formal agreement to exchange information between national taxing officials of Mexico and taxing authorities of the State Board of Equalization, the Franchise Tax Board, and the Employment Development Department. Furthermore, the reciprocal agreement shall be limited to the exchange of information that is essential for tax administration purposes only. Taxing authorities of the State of California shall be granted tax information only on California residents. Taxing authorities of Mexico shall be granted tax information only on Mexican nationals.

(r) To enable city and county planning agencies to develop economic forecasts for planning purposes. The information shall be limited to businesses within the jurisdiction of the city or county whose planning agency is requesting the information, and shall not include information regarding individual employees.

(s) To provide the State Department of Developmental Services with wage and employer information that will assist in the collection of moneys owed by the recipient, parent, or any other legally liable individual for services and supports provided pursuant to Chapter 9 (commencing with Section 4775) of Division 4.5 of, and Chapter 2 (commencing with Section 7200) and Chapter 3 (commencing with Section 7500) of Division 7 of, the Welfare and Institutions Code.

(t) Nothing in this section shall be construed to authorize or permit the use of information obtained in the administration of this code by any private collection agency.

(u) The disclosure of the name and address of an individual or business entity that was issued an assessment that included penalties under Section 1128 or 1128.1 shall not be in violation of Section 1094 if the assessment is final. The disclosure may also include any of the following:

(1) The total amount of the assessment.

(2) The amount of the penalty imposed under Section 1128 or 1128.1 that is included in the assessment.

(3) The facts that resulted in the charging of the penalty under Section 1128 or 1128.1.

(v) To enable the Contractors' State License Board to verify the employment history of an individual applying for licensure pursuant to Section 7068 of the Business and Professions Code.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.